

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TOMMY MOLINA,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

4:23CV3167

ORDER

Plaintiff has moved to proceed with this litigation without prepaying fees or costs. (Filing No. 2). Based on the information within the underlying extradition case, *U.S. v. Tommy Molina*, 4:23MJ3071, Plaintiff is eligible to proceed *in forma pauperis*.

IT IS ORDERED:

1. Plaintiff's motion, (Filing No. 2) is granted, and the complaint shall be filed without payment of fees.
2. The Clerk of Court shall send one summons form to Plaintiff's attorney of record for service of process on Defendant.
3. Plaintiff's attorney of record shall, as soon as possible, complete the summons form(s) and return it to the Clerk of the court to be issued. The issued summon(s) will then be returned to Plaintiff's attorney of record for service on Defendant(s).¹
4. The summons with an attached copy of Plaintiff's habeas complaint shall be served on or before September 21, 2023. The failure to timely serve the summons and complaint may result in dismissal of this Petition for want of prosecution without further notice.
5. The clerk shall forward a copy of this order to Daniel Packard,

¹ The government may voluntarily enter an appearance, either of its own initiative or at Plaintiff's request, in lieu of awaiting service of the summons and complaint.

Assistant U.S. Attorney for the District of Nebraska, counsel for the government in *U.S. v. Tommy Molina*, 4:23MJ3071.

Dated this 11th day of September, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge